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| APPLICATION NO.                                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/788,903                                       | 02/26/2004  | Thomas A. Gentles    | 1842.020US1         | 4535             |
| 70648  | 7590        | 06/28/2007           | EXAMINER            |                  |
| SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/WMS GAMING |             |                      | LEUNG, JENNIFER     |                  |
| P.O. BOX 2938                                    |             |                      | ART UNIT            | PAPER NUMBER     |
| MINNEAPOLIS, MN 55402                            |             |                      | 3714                |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/788,903             | GENTLES ET AL.      |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Jennifer Leung         | 3714                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 April 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 and 11-43 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 and 11-43 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 April 2007 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/20/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This Office Action is in response to the "Amendment and Response" filed 4/9/2007. Claims 1-9 and 11-43 are pending. Claim 10 is canceled.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-14, 16, 18, 21-24, 26-35, and 37-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Gatto (US 6,916,247).

Re claim 1: Gatto discloses a system providing a gaming network environment (col.5, lines 14-17), the system comprising: at least one gaming machine communicably coupled to a gaming network (col.5, lines 29-32); and at least one service provider communicably coupled to the gaming network (112, Fig. 19; col. 15, lines 57-58), said service provider operable to perform a service (col. 15, lines 58-60); wherein the gaming machine issues a request for the service (Fig. 19: communication between the specialized device (the gaming machine) and the server (service provider); col. 16, lines 8-11: in order to provide service, the service provider must receive a request from the

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gaming machine) and the service provider responds to the request for the service (112, Fig. 19: communication between the specialized device and the server; col. 5, lines 55-58; col. 15, lines 58-60: the service provider responds to the request by providing service), said request and response formed using internetworking protocols (col. 2, lines 55-58).

Re claim 2: Gatto further discloses the system of claim 1, wherein the service provider comprises a web services provider and the internetworking protocols comprise web services internetworking protocols (col. 15, lines 50-56; col. 16, lines 15-22).

Re claim 3: Gatto further discloses the system of claim 1, further comprising a discovery agent communicably coupled to the gaming network (col. 15, lines 53-56: the UDDI node must communicate with the network in order for the node to receive data from service providers regarding their services), said discovery agent providing a discovery service and wherein the service provider is operable to publish data for the service to the discovery agent (col. 15, lines 53-56; col. 15, lines 60-62) and wherein the gaming machine is operable to query the discovery agent for the availability of the service (col. 15, lines 60-62).

Re claim 4: Gatto further discloses the system of claim 1, wherein the service comprises a boot service (Fig. 18: boot and game software image; col. 4, lines 60-65; col. 18, lines 39-54).

Re claim 5: Gatto further discloses the system of claim 1, wherein the service comprises a gaming management service (col. 19, lines 37-38).

Re claim 6: Gatto further discloses the system of claim 4, wherein the gaming management service is operable to provide configuration data (col. 3, lines 15-20; col. 7, lines 7-9).

Re claim 7: Gatto further discloses the system of claim 1, wherein the service comprises an accounting service (col. 10, lines 36-38).

Re claim 8: Gatto further discloses the system of claim 1, wherein the service comprises an authentication service (col. 10, lines 55-60; col. 16, lines 28-33).

Re claim 10: Gatto further discloses the system of claim 1, wherein the service comprises an accounting service (col. 10, lines 36-38).

Re claim 11: Gatto further discloses the system of claim 1, wherein the service comprises an event management service (col. 2, lines 42-45; col. 11, lines 44-48).

Re claim 12: Gatto further discloses the system of claim 1, wherein the service comprises a gaming software update service (col. 15, lines 20-30).

Re claim 13: Gatto further discloses the system of claim 1, wherein the service comprises a message director service (col. 15, lines 63-67).

Re claim 14: Gatto further discloses the system of claim 1, wherein the service comprises a content integrity service (col. 10, line 59-60; col. 16, lines 43-45).

Re claim 16: Gatto further discloses the system of claim 1, wherein the service comprises a mobile gaming device location service (col. 2, lines 53-54: if the gaming device is mobile, its location needs to be determined in order for the network to communicate with it).

Re claim 18: Gatto further discloses the system of claim 1, wherein the service comprises a player tracking service (col. 6, lines 4-44).

Re claim 21: Gatto further discloses the system of claim 1, wherein the service comprises a cashless transaction service (col. 9, lines 47-50).

Re claim 22: Gatto further discloses the system of claim 1, wherein the service comprises a bonusing service (col. 11, lines 14-16).

Re claim 23: Gatto further discloses the system of claim 1, wherein the service comprises a game outcome service (col. 10, lines 33-35: a win is a game outcome).

Re claim 24: Gatto further discloses the system of claim 1, wherein the service comprises an advertising service (col. 6, lines 6-7).

Re claim 26: Gatto further discloses the system of claim 1, wherein the standard internetworking protocols includes a services description language protocol layer (col. 15, lines 52-54).

Re claim 27: Gatto further discloses the system of claim 26, wherein the services description language protocol layer is a version of the WSDL web services description language protocol (col. 15, lines 52-54).

Re claim 28: Gatto further discloses the system of claim 1, wherein the internetworking protocols includes a service discovery protocol layer (col. 16, lines 17-18; col. 15, lines 52-54).

Re claim 29: Gatto further discloses the system of claim 28, wherein the service discovery protocol layer comprises the UDDI (Universal Description Discovery and Integration) protocol layer (col. 15, lines 52-54).

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Re claims 30 & 37: Gatto discloses a method for providing a service in a gaming network, the method comprising: publishing the availability of a service on a gaming network with a discovery agent communicably coupled to the gaming network (col. 15, lines 54-56); the UDDI node must communicate with the network in order for the node to receive data from service providers regarding their services; col. 15, lines 60-62); receiving by the discovery agent a request for a service description for the service from a gaming machine communicably coupled to the gaming network (col. 15, lines 60-67); registering by the gaming machine with the service (Fig. 20; col. 14, lines 18-20); and processing one or more service requests between the gaming machine and the service (Fig. 19; col. 14, lines 2-5).

Re claims 31 & 38: Gatto further discloses a web service (col. 15, lines 50-56; col. 16, lines 15-22).

Re claims 32 & 39: Gatto further discloses using a service description language (col. 15, lines 52-54).

Re claims 33 & 40: Gatto further discloses a Web Services Description Language (WSDL) (col. 15, lines 52-54).

Re claims 34 & 41: Gatto further discloses publishing the service, which includes registering the service with a registry (col. 15, lines 60-67).

Re claims 35 & 42: Gatto further discloses a UDDI (Universal Description Discovery and Integration) registry (col. 15, lines 60-67).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Barnes (US 2004/0065805). The teachings of Gatto have been discussed above.

However, Gatto fails to disclose the mobile gaming device location service, which is a GPS based service.

Barnes teaches the mobile gaming device location service, which is a GPS based service (para. 0097, lines 5-8; para. 0439, lines 1-2).

Therefore, in view of Barnes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a GPS based service in order to locate the position of the gaming device so that a user can gamble in a jurisdiction where gambling is legal.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Murata (US 2002/0013174). The teachings of Gatto have been discussed above.

However, Gatto fails to disclose a personalization service.

Murata teaches a personalization service (para. 0047, lines 25-43).

Therefore, in view of Murata, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a personalization service in order to customize the game playing experience.

6. Claims 36 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Barnes (US 2004/0065805). The teachings of Gatto have been discussed above.

However, Gatto fails to disclose the service description, which is located using a Uniform Resource Locator (URL).

Barnes teaches the service description, which is located using a Uniform Resource Locator (URL). (para. 0082, lines 7-19)

Therefore, in view of Barnes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a Uniform Resource Locator (URL) in order to locate the service description on the internet.

7. **Claims 9, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Wynn (US 5,971,271).**

Re claim 9: Gatto discloses the above except for wherein the service comprises an authorization service. Wynn discloses such (col 7, lines 30-35).

Therefore, in view of Wynn, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to give the player an incentive to join the casino as a member in order to use the casino's services.

Re claim 15: Gatto discloses the above except for a progressive gaming service. Wynn discloses such (col. 1, lines 45-50).

Therefore, in view of Wynn, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to provide an incentive for the player to play at progressive slot machines in order for a chance to win a large jackpot.

Re claim 25: Gatto discloses the above except for wherein the service comprises a property management service. Wynn discloses such (col 2, lines 35-45).

Therefore, in view of Wynn, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to make it more convenient for the player to make reservations from the gaming machine thereby saving time for more game play and also reducing interruption of the game.

**8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Weiss (US 2007/0060381).**

Re claim 19: Gatto discloses the above except for a game theme location service.

Weiss discloses such (abstract and paras. 0007, 0011, and 0026).

Therefore, in view of Weiss, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a game theme location service in order to locate and play a game with a particular theme.

**9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Nelson (US 6,935,958).**

Re claim 19: Gatto discloses the above except for a game theme location service.

Nelson discloses such (col 12, lines 30-65).

Therefore, in view of Nelson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a game theme location service in order to locate and play a game with a particular theme.

***Response to Arguments***

1. Applicant's arguments, see "Remarks", filed 4/9/2007, with respect to the drawings, abstract, disclosure, and claims on pages 15-17 have been fully considered and are persuasive. The objections of the above have been withdrawn. The Section 101 rejection of the claims has also been withdrawn.

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2. Applicant's arguments filed 4/9/2007 have been fully considered but they are not persuasive. Applicant states on page 17 of the "Remarks" that Gatto performs opposite from the claimed invention. However, Gatto on col. 16, lines 5-11, discloses that the roles of the service provider and of the specialized device can be switched thereby performing the same operations as those claimed by the Applicant.

3. Applicant's arguments filed 4/9/2007 have been fully considered but they are not persuasive. Applicant states on page 18 of the "Remarks" that Gatti does not disclose a locating service. However, Gatto states in col 5, lines 15-30 that machines are clustered according to regulatory requirements and in order to do so, they must know where it is located.

4. Applicant's arguments, see pages 18-20 of "Remarks", filed 4/9/2007, with respect to the rejection(s) of claim(s) 9, 15, 19, and 25 under Sections 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wynn, Weiss, and Nelson.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gatto discloses methods and systems for electronic virtual races.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer Leung  
June 23, 2007

  
Robert E. Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714